

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Modak et al. Examiner : ANDERSON, JAMES D.  
Serial No. : 10/622,272 Confirmation No. : 4202  
Filed : 07/17/2003 Group Art Unit : 1614  
For : ZINC SALT COMPOSITIONS FOR THE PREVENTION OF  
DERMAL AND MUCOSAL IRRITATION

**INFORMATION DISCLOSURE STATEMENT**

Electronically Filed VIA EFS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark Office in regard to the invention claimed in the above-identified application. In compliance with 37 C.F.R. §1.56, such documents are listed on the enclosed Form PTO-1449.

This Information Disclosure Statement is submitted according to the following selected paragraph(s):

- ☒ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b) (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c) prior to either a final action or a notice of allowance. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377.

- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), with a statement under, 37 C.F.R. §1.97(e) prior to either a final action or a notice of allowance. The undersigned hereby states that (check one):
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☐ This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d), with a statement under 37 C.F.R. §1.97(e), after a final action or a notice of allowance but prior to payment of the issue fee. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377. The undersigned hereby petitions that this Information Disclosure Statement be considered prior to issuance of the patent. The undersigned hereby states that (check one):
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in

37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ The references listed on the accompanying PTO-1449 were either cited by the Examiner or previously submitted in parent application U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_. Pursuant to 37 C.F.R. § 1.98(d), the references are not required if the earlier application is identified and relied upon for an effective filing date under 35 U.S.C. § 120 and therefore are not enclosed herewith.

**Co-Pending Application Disclosure**

- ☒ Applicants would like to bring to the attention of the Examiner the following co-pending patent applications, which are also listed on the accompanying PTO-1449:

Serial No.	Filing Date
10/892034	07/15/2004
11/327677	01/06/2006
11/446347	06/02/2006
10/891624	07/15/2004
10/785207	02/24/2004
10/786681	02/25/2004
11/946622	11/28/2007
10/633204	07/30/2003
11/031607	01/06/2005
11/250241	10/14/2005
12/016788	01/18/2008
12/134918	06/06/2008
12/134911	06/06/2008
12/136530	06/10/2008
12/367851	02/09/2009
12/444089	04/02/2009

11/143012	06/02/2005
11/031258	01/07/2005
10/047631	10/23/2001
09/746670	12/22/2000
10/600257	06/20/2003
09/775775	02/02/2001
10/674592	09/30/2003
09/281872	03/31/1999
09/777121	02/05/2001
10/414902	04/16/2003

**Disclosure of Office Actions and Responses in Co-Pending Applications**

- ☒ Applicants would like to bring to the attention of the Examiner the following Office Actions issued in co-pending patent applications and Responses to Office Actions filed in such applications, which are also listed on the accompanying PTO-1449:

Serial No.	Date of Office Action or Response
10/633204	04/04/2005 Non-Final Office Action
10/633204	10/07/2005 Response to Non-Final Office Action
10/633204	11/25/2005 Response to Non-Final Office Action
10/633204	03/22/2006 Response to Non-Final Office Action
10/633204	06/07/2006 Non-Final Office Action
10/633204	11/07/2006 Response to Non-Final Office Action
10/633204	06/02/2008 Final Office Action
10/633204	08/28/2008 Response to Final Office Action
10/633204	10/08/2008 Non-Final Office Action
10/633204	01/08/2009 Response to Non-Final Office Action
10/633204	04/17/2009 Final Office Action
10/785207	11/19/2007 Non-Final Office Action
10/785207	02/19/2008 Response to Non-Final Office Action

10/785207	05/14/2008 Final Office Action
10/785207	08/13/2008 Response to Final Office Action
10/785207	09/22/2008 Non-Final Office Action
10/785207	12/18/2008 Response to Non-Final Office Action
10/785207	03/05/2009 Final Office Action
10/785207	05/28/2009 Response to Final Office Action
10/785207	08/11/2009 Non-Final Office Action
10/786681	05/21/2007 Non-Final Office Action
10/786681	09/06/2007 Response to Non-Final Office Action
10/786681	11/21/2007 Final Office Action
10/786681	02/21/2008 Response to Final Office Action
10/786681	07/07/2008 Non-Final Office Action
10/786681	10/02/2008 Response to Non-Final Office Action
10/786681	12/23/2008 Final Office Action
10/786681	03/23/2009 Response to Final Office Action
10/786681	05/27/2009 Non-Final Office Action
10/891624	04/10/2007 Non-Final Office Action
10/891624	10/03/2007 Response to Non-Final Office Action
10/891624	12/18/2007 Final Office Action
10/891624	04/07/2008 Response to Final Office Action
10/891624	07/24/2008 Non-Final Office Action
10/891624	10/22/2008 Response to Non-Final Office Action
10/891624	01/26/2009 Final Office Action
10/891624	04/23/2009 Response to Final Office Action
10/891624	08/06/2009 Non-Final Office Action
10/892034	01/29/2008 Non-Final Office Action
10/892034	06/17/2008 Response to Non-Final Office Action
10/892034	08/27/2008 Final Office Action
10/892034	01/27/2009 Response to Final Office Action
10/892034	04/08/2009 Non-Final Office Action

10/892034	07/02/2009 Response to Non-Final Office Action
11/327677	06/01/2009 Non-Final Office Action
11/250241	06/12/2009 Non-Final Office Action
11/143012	10/31/2008 Non-Final Office Action
11/143012	01/16/2009 Response to Non-Final Office Action
11/143012	03/24/2009 Notice of Allowance
11/031258	06/06/2007 Non-Final Office Action
11/031258	08/22/2007 Response to Non-Final Office Action
11/031258	12/06/2007 Notice of Allowance
10/047631	11/14/2003 Non-Final Office Action
10/047631	04/16/2004 Response to Non-Final Office Action
10/047631	07/12/2004 Notice of Allowance
09/746670	01/10/2003 Non-Final Office Action
09/746670	07/09/2003 Response to Non-Final Office Action
09/746670	09/24/2003 Final Office Action
09/746670	12/29/2003 Response to Final Office Action
09/746670	02/13/2004 Non-Final Office Action
09/746670	08/11/2004 Response to Non-Final Office Action
09/746670	12/14/2004 Notice of Allowance
09/746670	03/14/2005 Request for Continued Examination
09/746670	06/17/2005 Non-Final Office Action
09/746670	08/19/2005 Response to Non-Final Office Action
09/746670	11/07/2005 Notice of Allowance
09/746670	01/26/2006 Request for Continued Examination
09/746670	10/02/2006 Non-Final Office Action
09/746670	01/03/2007 Response to Non-Final Office Action
09/746670	03/13/2007 Final Office Action
09/746670	05/14/2007 Response to Final Office Action
09/746670	09/04/2007 Notice of Allowance
10/600257	12/21/2004 Non-Final Office Action

10/600257	03/24/2005 Response to Non-Final Office Action
10/600257	06/07/2005 Notice of Allowance
10/600257	09/09/2005 Request for Continued Examination
10/600257	09/27/2005 Non-Final Office Action
10/600257	11/28/2005 Response to Non-Final Office Action
10/600257	06/04/2008 Notice of Allowance
10/600257	04/17/2009 Notice of Allowance
09/775775	12/03/2002 Notice of Allowance
10/674592	11/15/2004 Notice of Abandonment
09/281872	07/03/2000 Non-Final Office Action
09/281872	10/06/2000 Response to Non-Final Office Action
09/281872	10/26/2000 Notice of Allowance
09/777121	02/24/2003 Non-Final Office Action
09/777121	08/26/2003 Response to Non-Final Office Action
09/777121	10/06/2003 Notice of Non-Compliant Amendment
09/777121	12/10/2003 Response to Non-Final Office Action
09/777121	01/30/2004 Final Office Action
09/777121	07/02/2004 Response to Final Office Action
09/777121	08/02/2004 Advisory Action
09/777121	08/11/2004 Notice of Abandonment
09/777121	08/23/2004 Request for Continued Examination/Petition to Revive
09/777121	09/24/2004 Notice of Allowance
10/414902	02/10/2006 Notice of Abandonment

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute “prior art.” If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute “prior art” under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicants believe no additional fee is due in connection with this submission. However, if any additional fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

9/29/09  
Date

Sandra Lee  
Sandra S. Lee  
Patent Office Reg. No. 51,932

Lisa B. Kole  
Patent Office Reg. No. 35,225

30 Rockefeller Plaza  
44th Floor  
New York, NY 10012-4498  
Attorney for Applicant(s)  
212-408-2500